

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GARY ADDIVINOLA,)	
)	
Plaintiff,)	CIVIL ACTION
v.)	NO. 03-12476-JGD
)	
HOME DEPOT U.S.A., INC.,)	
)	
Defendant.)	

SCHEDULING ORDER

A status conference was scheduled for today pursuant to Fed. R. Civ. P. 16(a). Shortly before the conference, plaintiff's counsel notified the court that he was unable to attend due to illness. However, he was unable to contact defendant's counsel who did appear. Based on defendant's representations as to the status of the case, it is hereby **ORDERED** as follows:

1. Assuming there is no objection to a physical examination of the plaintiff by a physician selected by the defendant, the examination shall be completed by **January 13, 2005**. If there is an objection, the defendant shall promptly file an appropriate motion seeking approval for such an examination.

2. The next status conference is scheduled for **January 13, 2005, at 2:30 P.M.**

At that time, the parties shall be prepared to discuss:

- a. the status of the case;
- b. scheduling for the remainder of the case through trial;
- c. use of the court's alternative dispute resolution (ADR) program.

3. The parties shall submit a joint statement no later than five (5) business days before the conference addressing the issues itemized in paragraph (2) above. With respect to item 2(c), the parties shall indicate whether an agreement has been reached, but are not obligated to identify their respective positions.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge

DATED: November 29, 2004